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U.S. DISTRICT COURT E.D.N.Y.

★ APR 09 2021 ★
★ FILED ★

Case No.: 1-19-cv-03372-AMD-RML

Date December 8, 2020

Hon. Ann M. Donnelly

United States District Court

Eastern District of New York

Dear Judge Donnelly,



BROOKLYN OFFICE
2021 APR -9 AM 8:51

CLERK
U.S. DISTRICT COURT
E.D.N.Y.

*Rec. in p drive 4/13/21 rg

I Yehuda Herskovic am the plaintiff in this action and write to the Court to address (1) Defendant's lie that I had not "initiated an arbitration" (ECF 42), (2) Defendant's attempt to divert the complaint from the Better Business Bureau (BBB) to its "Verizon Wireline team" instead of holding the purported arbitration, (3) Despite having premium communication with the BBB, Defendant still filed with the Court a false "supplemental status report re arbitration" that Plaintiff "is currently in the process of attempting to initiate the arbitration" (ECF 44), and (4) Defendant's willful misconduct warrant sanctions.

The Court overruled my objection to the presence of an arbitration agreement and ordered that I file a "demand for arbitration" (ECF 39). On March 15, 2021, I filed under dispute a "demand for arbitration" with the BBB. See ECF 41.

On March 19, 2021, Defendant was served with a copy of the demand. (See ECF 41-1 at the last page). Given that Defendant is represented by counsel, the demand was served upon counsel, instead of directly serving the Defendant.

Despite having received the copy of the "demand for arbitration", on March 31, 2021 Defendant filed a false status report stating that "As of the date of this filing, Plaintiff has not yet initiated an arbitration. Defendant respectfully requests that this action be dismissed." (ECF 42).

On March 25, 2021, Defendant confirmed with the BBB that it received the demand for arbitration and labeled it as a "complaint." (Exhibit A).

In addition, at the BBB, Defendant is playing a different game, instead of the matter facing an arbitrator, Defendant unilaterally "determined the customer's concern should be addressed by our Verizon Wireline team. Per BBB guidelines, please forward Yehuda Herskovic's complaint to the appropriate Verizon Team." (Exhibit B).

In other words, Defendant is misusing the purported order compelling arbitration to stonewall Plaintiff's claim. Instead of Plaintiff having his claims heard by an arbitrator, Defendant is attempting to usurp the role of the judge while being the offender.

On April 6 and 7, 2021, I called Defendant's counsel by phone, stated the foregoing history, and explicitly requested that they withdraw their false status report, which falsely claims that "As of the date of this filing, Plaintiff has not yet initiated an arbitration." Defendant refused.

Instead, Defendant doubled down and filed another false "supplemental status report re arbitration" that Plaintiff "is currently in the process of attempting to initiate the arbitration" (ECF 44). Defendant is echoing the same lie despite acknowledging to Plaintiff that the disputed demand for arbitration complies with the Court's order.

It is apparent that by filing two false status reports, Defendant seeks to prejudice Plaintiff with an unjust dismissal. In the alternative, Defendant seeks to multiply the proceedings in this case unreasonably and vexatiously. Defendant should be sanctioned for filing a knowingly frivolous document that is devoid of a colorable basis in law or fact.

Defendant is the one who demands that a purported customer agreement requires that all claims between the parties should resolved be in arbitration. (ECF 13, 13-3, 13-5, 13-6). According to the purported customer agreement, Defendant unilaterally designated the BBB as an arbitrator. Yet, when it comes to the purported arbitration, Defendant is seeking to divert the matter to its own personnel instead of the BBB. It is obvious that when filing the motion to compel arbitration, Defendant did not disclose that their version of arbitration means no adjudication on the merits, but a plain whitewash of my claims. **Essentially, Defendant revoked the arbitration proceedings by diverting the matter to its own personnel.** The Court should therefore direct that this matter continue before the Court in a judicial proceeding and the order compelling arbitration recalled.

Respectfully submitted,

Yehuda Herskovic, yhm1234@yahoo.com, 347 731 8818

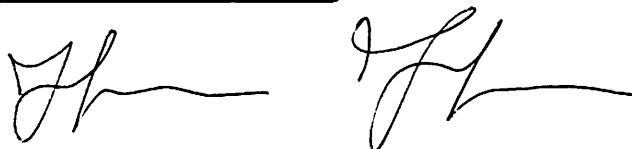
Two handwritten signatures in black ink, one on the left and one on the right, both appearing to be stylized versions of the name Yehuda Herskovic.

EXHIBIT A

← → ↺ bluecomplaints.bbb.org/Manager.aspx?cmpl=15320624&chk=dtjSiAmu7qQm4h7VvmHJgg

Complaint Hub: Consumer Complaints BBB of New Jersey

[View Complaint](#) [Help](#) [Logout](#)

Complaint ID #15320624

Respond to Complaint

WHAT IS THE NEXT STEP?

The BBB has requested clarification from the Business

There is no action for you to take at this time. We will contact you when we next require your input.

From: Verizon Wireless
To: BBB of New Jersey
Subject: Respond to Complaint

Sent: 3/25/2021 9:50:47 AM

BBB remains operational and focused on serving our business community and our consumers throughout this crisis. Please check out resources available to you at [Some of the sources of information BBB relies on are temporarily unavailable](#). Also, many businesses are closed, suspended, or not operating as usual, and are unable to respond to complaints and other requests. BBB information and Business Profiles reflect the most current information available to us. We appreciate your patience as we and everyone in our communities focus on addressing this crisis.

This message originally read on 4/7/2021
March 25, 2021

Better Business Bureau of New Jersey
1262 Whitehorse - Hamilton Sq. Rd. Building A, Suite 202
Hamilton, NJ 08690

RE: Complainant: Yehuda Herskovic
Complaint Number: 15320624

Dear Ms. Gina B.:

Thank you for contacting Verizon's Office of Executive Relations regarding Yehuda Herskovic's complaint. In the complaint, received on 03/25/2021, expressed concerns about a closed Verizon Wireline account, disputing the balance, and consumer credit reporting.

Upon further review, we've determined the customer's concern should be addressed by our Verizon Wireline team. Per BBB guidelines, please forward Yehuda Herskovic's complaint to the appropriate Verizon Team.

Email: cersVCMAgency@VerizonWireless.com
Address: 65 Franklin St.
Buffalo, Ny 14202
Fax: 301-989-9696

We appreciate you bringing this matter to our attention for resolution and apologize for any inconvenience this has caused.

Sincerely,

Executive Relations

WHAT IS THE NEXT STEP?

The BBB has requested clarification from the Business

There is no action for you to take at this time. We will contact you when we next require your input

[click to view](#) Complaint has been sent to the business

[Complaint Overview](#)

[Your Messages](#)

[Communication History](#)

[Export to MS Word](#)

[Print this Complaint](#)

Date

03/25/2021

03/29/2021

03/30/2021

Date Sent

3/30/2021

3/29/2021

3/25/2021

3/25/2021

EXHIBIT B

March 30, 2021

Dear BBB,

Thank you for contacting Verizon's Office of Executive Relations regarding Yehuda Herskovic's complaint. In her complaint, received on 03/29/2021, she advised although she made all payments upon canceling her home phone service, she has received a derogatory mark on her credit report for an unpaid balance.

Upon further review, we've determined the customer's concern should be addressed by our Verizon Wireline team. Per BBB guidelines, please forward Yehuda Herskovic's complaint to the appropriate Verizon Team.

Email: cersVCMAgency@VerizonWireless.com

Address: 65 Franklin St.
Buffalo, Ny 14202

Fax: 301-989-9696

We appreciate you bringing this matter to our attention for resolution and apologize for any inconvenience this has caused.

Sincerely,

Alicia L.



POSTAGE REQUIRED



**PRIORITY[®]
MAIL**

- Date of delivery specified*
- USPS TRACKING[™] included to many major international destinations.
- Limited international insurance.
- Pick up available.*
- Order supplies online.*
- When used internationally, a customs declaration label may be required.

* Domestic only



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EP14F Oct 2018
OD: 12 1/2 x 9 1/2

To schedule free
Package Pickup,
scan the QR code.



USPS.COM/PICKUP

FROM:

YEHUDA HERSKOVIC
V
VERIZON

PRO SO
CLERK

TO:

